



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4345-00
15 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. McPartlin, Chapman, and Harrison reviewed Petitioner's allegations of error and injustice on 8 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 22 October 1985 for eight years at age 18. His test scores placed him in Mental Group IV. He was ordered to active duty on 29 October 1985 for a period of 36 months in the Active Mariner Program. He was advanced to FA (E-2) on 26 April 1986. He had no disciplinary actions during his enlistment, his overall performance was consistently rated above average to excellent, and he was recommended for advancement. On 28 October 1988, he was honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. He was honorably discharged upon the expiration of his obligated service on 21 October 1993.

d. Petitioner states that he completed his test for promotion to pay grade E-3 in 1987 but was never promoted. He claims that he was going to be "frocked" to petty officer third class, but due to the failure of a career counselor to submit his test scores he was never promoted to E-3 or E-4.

e. Regulations authorized the assignment of an RE-3R reenlistment code to individuals in pay grade E-3 who fail to meet professional growth criteria for the first reenlistment, but are eligible in all other respects and recommended for advancement and reenlistment. An RE-4 reenlistment code means that the individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner's youth and immaturity and low test scores. However, despite his immaturity and low test scores, he maintained above average to excellent ratings in his overall performance and had no disciplinary actions during his three years of service. Given his good record, it appears to the Board that he probably should have been advanced to pay grade E-3, but for reasons that could not be determined by the Board, he was not. Had he been advanced to pay grade E-3, Petitioner would have been eligible for assignment of an RE-3R reenlistment code. The Board believes that it would be appropriate and just to change the reenlistment to RE-3R as an exception to policy.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 28 October 1988, to RE-3R.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

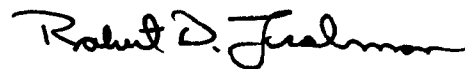
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



for W. DEAN PFEIFFER
Executive Director